IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

C.W.P. NO. 19093 OF 2005

Date of Decision: May 17, 2007

Jagga Singh

…Petitioner

Versus

State of Punjab and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Pawan Kumar Goklaney, Advocate,
for the petitioner.

Mr. M.P. Goswami, DAG, Punjab,
for respondent No. 1.

Mr. Arvind Rajotia, Advocate,
for respondent Nos. 2 to 5.

JUDGMENT

M. M. KUMAR, J.

The petitioner has filed the instant petition under Article 226 of the Constitution for issuance of a writ in the nature of mandamus directing the respondents to regularise his services to the post of Pump Operator and to release salary in the scale of Rs. 3120-

5160.

Brief facts of the case are that the petitioner was appointed as a Pump Operator with the respondents on 1.5.1989. His services were terminated on 27.7.1990. The services of other persons were also terminated. The dispute raised by the petitioner was referred by the Punjab Government to the Labour Court, vide Reference No. 183 of 1991, under the provisions of Section 10(1)(c) of the Industrial Disputes Act, 1947. The Labour Court vide an award dated 1.2.1994, ordered reinstatement of the petitioner with continuity of service with full back wages from the date of termination till reinstatement. Similar relief was granted by the Labour Court to other persons who were situated similar to the petitioner. The writ petitions filed by the department against the awards passed by the Labour Court were dismissed vide order dated 2.1.2002 (P-6). On 28.10.1994, the petitioner and other Pump Operators, namely, Surinder Singh, Nokha Singh, Lakhvir Singh and Jarnail Singh joined back service. On 8.5.1995, the petitioner was relieved from Jalandhar and was directed to join at Gurdaspur. It is apposite to mention here that on 23.1.2001, the policy of regularization of work-charge/daily wage and other categories of employees was reviewed by the State of Punjab and instructions were issued. On the basis of the aforementioned instructions, vide order dated 19.9.2001, the services of the petitioner were regularised on the post of Pump Attendant instead of Pump Operator. It has been claimed that the services of other employees, who were appointed

along with the petitioner, namely, Anokha Singh and Jarnail Singh, were regularised against the post of Pump Operator, vide order dated 27.11.2002 (P-8). The petitioner sent a representation on 16.12.203 (P-9) followed by a legal notice dated 30.5.205 (P-10) to which the respondents sent a reply dated 28.8.2005 (P-11) and rejected the claim of the petitioner. Interestingly, the aforementioned order has not been impugned in the instant petition.

Having heard the learned counsel for the parties we are of the considered view that no such directions as claimed in the instant petition could be issued for regularization of the services of the petitioner in view of the Constitution Bench judgment of Hon'ble the Supreme Court in the case of **Secretary, State of Karnataka & others v. Umadevi & others, (2006) 4 SCC 1** as well as a detailed judgment of this Court in the case of **Rajinder Kumar v. State of Haryana, 2006 (2) PLR 474**.

In view of the above, there is no merit in the instant petition and the same is accordingly dismissed.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

May 17, 2007
Pkapoor